THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 8955 OF 2006

Dated 8th February, 2007

Between:

S.V.S. Madhu Babu

... Petitioner

And

Sri Venkateswara University,
represented by its Registrar,
Tirupathi and others.

... Respondents.

ORAL ORDER:

Though the case is listed under the caption 'For Admission', but as it is represented by the learned Standing Counsel for the respondents that counter-affidavit has been filed, and, at the request of learned counsel for parties, the writ petition itself has been finally heard and is being disposed of.

The petitioner is a Research Scholar in the subject of Botany in the Department of Botany, Sri Venkateswara University College of Arts and Sciences, Tirupati. He got himself registered for Ph.D. in Botany on 16.2.2002. But, on a letter addressed by the 5th respondent – Guide, his registration to Ph.D course was cancelled by the order impugned herein on the ground that he was not attending the college continuously from 17.3.2003. The petitioner questioned the said order in this writ petition.

It is the case of the petitioner that he has been regularly attending the course. However, he could not write pre-Ph.D. examination as he was not keeping good-health for some time. It is his case that the impugned order is passed only at the behest of the 5th respondent who was his guide for the research work.

In the counter affidavit, it is stated that after the petitioner registered his name on 16.2.2002, he attended only up to January, 2003 and thereafter he was not regular in attending for the research work. It is also clear from the counter affidavit that for some period, the attendance registers were not available and with regard to that period, whether the petitioner has attended or not is not examined.

Though there is no material in support of the allegations made against the 5th respondent – Guide, but, as much as it is the case of the petitioner that he had completed three years and prepared to write examinations and on the eve of submitting the Synopsis/Thesis to the Ph.D. course, this impugned order came to be passed, I deem it appropriate to direct the respondents that the petitioner shall be given an opportunity before cancellation of his registration. A reading of the impugned order also makes it evident that no prior notice or opportunity was given to the petitioner before cancellation of his registration and the same is on the letter addressed by the 5th respondent vide letter dated 9.12.2005. In that view of the matter, I set aside the impugned memo dated 24.1.2006 passed in Memo No.SBES/Ph.D/2006 and direct the University to consider the representation filed by the petitioner on 14.2.2006 and pass appropriate orders within a period of six weeks from the date of the receipt of a copy of this order. It is also open for the petitioner to make any other representation, which shall be filed within a period of two weeks from today.

Subject to above directions, the writ petition is disposed of. No costs.

8.2.2007 **R.SUBHASH REDDY, J.**

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